

**KAUFMAN SEMERARO & LEIBMAN** LLP

*Attorneys-At-Law*

Paul C. Kaufman  
Mark J. Semeraro<sup>†</sup>  
Marc E. Leibman<sup>†</sup>  
Deena B. Rosendahl<sup>†</sup>

Jaime R. Placek<sup>†\*</sup>  
Justin D. Santagata<sup>†\*</sup>  
Gregory K. Asadurian  
Bryan P. Regan<sup>†§</sup>  
Scott Fahrney  
Danielle Lamake<sup>†</sup>

*Of Counsel*

David R. Gelbert

<sup>†</sup> Licensed in NY

<sup>\*</sup> Licensed in NE

<sup>§</sup> Licensed in CA

<sup>\*</sup> LLM, Advocacy and Dispute Resolution

Fort Lee Executive Park  
Two Executive Drive, Suite 530  
Fort Lee, New Jersey 07024

phone 201.947.8855

fax 201.947.2402

www.NorthJerseyAttorneys.com

Woolworth Building  
233 Broadway, Suite 2370  
New York, New York 10279

phone 212.987.4000

Reply to:  
New Jersey

[Jsantagata@northjerseyattorneys.com](mailto:Jsantagata@northjerseyattorneys.com)

**OBJECTION TO APPLICATION TO SHORTEN TIME**

December 1, 2016

**VIA ECF**

Hon. Vincent F. Papalia  
50 Walnut Street  
M.L.King Jr. Federal Bldg. & Courthouse  
Newark, New Jersey 07102

**Re: In Re: James Kim, 16-20275, 16-01693, 2:16-cv-08339-MCA**

Dear Judge Papalia:

As you know, we represent Creditor David Lorenzo in the above-captioned bankruptcy case, adversarial complaint, and bankruptcy appeal. On November 22, 2016, the Court dismissed Debtor James Kim bankruptcy for failure to file a modified plan pursuant to the Court's order and prior directives. The lack of basis for Mr. Kim's original plan was discussed at length with the Court as far back as August 18, 2016, and again on October 8, 2016. These discussions were not short, but lengthy and on the record during oral argument. Mr. Kim has now moved to reinstate his bankruptcy and applied to have the motion heard on a shortened schedule. **We object to any shortened schedule.** Though Mr. Kim does not cite any authority in his motion to reinstate, the motion is governed by Fed.R.Civ.P. 60 and the burden on such a motion is quite high. The motion should be decided on a normal schedule, with full briefing, so a full record can be developed.

Letter re dismiss

In re James Kim

December 1, 2016

Page 2

---

It is unfair to Mr. Lorenzo and the other creditors, who have complied with the Court's rules and deadlines, for Mr. Kim to jump back into Court immediately and request a special motion schedule just for him. While we understand that applications to shorten time are more routine in bankruptcy than in other courts, Mr. Kim has a long history of ignoring court orders (not just this Court's) and of seeking relief at the last minute (or, here, after the buzzer has run out).

Mr. Lorenzo has already taken steps to address the dismissal of Mr. Kim's bankruptcy. First, he requested that the district court extend his deadline to file his appellate brief for 30 days from December 9, 2016 since the order subject to appeal was automatically vacated by Mr. Kim's dismissal. We are trying to avoid unnecessary work for the court system; the same cannot be said of Mr. Kim. Second, in the interest of full disclosure, Mr. Lorenzo has filed a motion in New Jersey state court to effectuate the transfer of Mr. Kim's liquor license to him, through the receiver Philip Boggia, Esq. (whose receivership was automatically reinstated by the bankruptcy dismissal). That motion is returnable December 16, 2016, but the license would not be transferred on that date; it would be subject to further action by the Borough of Fort Lee at a regular meeting.

Mr. Kim is in this position because of his own dilatory conduct and complete disregard for basic rules and the court system in general. He should not be given special treatment now. Mr. Kim's application to shorten time should be denied.

Respectfully submitted,

A large, bold, handwritten signature in black ink, appearing to read 'JUSTIN D. SANTAGATA', is written over the typed name.

JUSTIN D. SANTAGATA

JDS/bar

cc: All counsel (via ECF)